

08-09-05

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Application No. 10/082,774
Applicant : Fitzpatrick, *et al.*
Filed : February 25, 2002
TC/A.U. : 2644
Examiner : Briney III, Walter F.
Docket No. : BOC9-2001-0002 (238)

Confirmation No.: 4419

**PETITION TO EXPUNGE INFORMATION
UNINTENTIONALLY SUBMITTED IN APPLICATION**

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.59(b), Applicants submit this petition to expunge information unintentionally submitted in the pending Application. In particular, Applicants respectfully request that the following documents submitted in connection with Applicants' response to the Final Office Action dated April 29, 2005, be expunged in their entirety:

1. Disclosure BOC8-2001-0009, consisting of six (6) pages and a separately attached figure; and
2. IP&L Disclosure Evaluation: BOC8-2001-0009, consisting of two (2) pages and a separately attached figure.

In support of this petition, Applicants, through their undersigned representatives, affirm that:

08/10/2005 TBESHARI 00000024 500951 10062774

01 FC:1464 WP250294,11

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service to MAILSTOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 5, 2005
Date

Richard A. Hinson, Reg. No. 47,652
Richard A. Hinson, Esquire

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08/10/2005 WABDELRI 00000141 500951

200.00 DA

01 FC:1463

Appln. No. 10/082,774
Petition to Expunge Information
Unintentionally Submitted in Application
Docket No. BOC9-2001-0002 (238)

1. The information was unintentionally submitted and that failure to obtain its return would cause irreparable harm to the party in interest on whose behalf the information was submitted.
2. The information has not otherwise been made public.
3. Applicants are committed to retaining the information for the period of any patent with regard to which such information was submitted.

A petition fee as set forth in 37 CFR 1.17(h) is included herewith along with redacted versions of both Disclosure BOC8-2001-0009 and IP&L Disclosure Evaluation: BOC8-2001-0009.

Respectfully submitted,

Date: August 8, 2005



Gregory A. Nelson, Registration No. 30,577
Richard A. Hinson, Registration No. 47,652
AKERMAN SENTERFITT
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TRANSMITTAL LETTER

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find enclosed for filing:

1. Petition to Expunge Information Unintentionally Submitted in Application; and
2. Fee Transmittal Form.

Please charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

Respectfully submitted,

Date: August 5, 2005

Gregory A. Nelson, Registration No. 30,577
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AKERMAN SENTERFITT
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{WP250294;1}

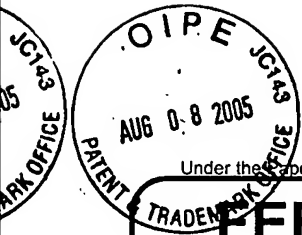
EV600059020US

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service to MAILSTOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 5, 2005
Date

Richard A. Hinson, Esquire, Reg. No. 47,652



FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number	10/082,774
Filing Date	February 25, 2002
First Named Inventor	Fitzpatrick, et al.
Examiner Name	Briney III, Walter F.
Art Unit	2644
Attorney Docket No.	BOC9-2001-0002 (238)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 50-0951
Deposit Account Name: Akerman Senterfitt

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	RICHARD A. HINSON	Registration No. (Attorney/Agent)	47,652	Telephone	561-653-5000
Signature	<i>Richard A. Hinson</i>	Date	AUGUST 8, 2005		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Disclosure BOC8-2001-0009

Prepared for and/or by an IBM Attorney - IBM Confidential

Created By: Jim Toohey Created On: 02/05/2001 07:41:11 PM

Last Modified By: Elaine Venturelli Last Modified On: 02/16/2001 12:48:41 PM

Required fields are marked with the asterisk (*) and must be filled in to complete the form.

*Title of disclosure (in English)

Method and Apparatus for Negotiated Message Delivery and Conferencing

Summary

Status	Under Evaluation
Processing Location	BOC
Functional Area	Global Sales Operation & Technical Support (Butler) Div 91
Attorney/Patent Professional	Richard Tomlin/Boca Raton/IBM
IDT Team	Jim Toohey/Fort Lauderdale/IBM
Submitted Date	02/15/2001 07:09:34 PM EST
Owning Division	SDG
Incentive Program	
Lab	
Technology Code	
PVT Score	No PVT score has been calculated. To calculate a PVT score, press the 'Calculate' button.

Inventors with Lotus Notes IDs

Inventors: Jim Toohey/Fort Lauderdale/IBM, Greg Fitzpatrick/Roanoke/IBM, David Lebowitz/Dallas/IBM

Inventor Name	Inventor Serial	Div/Dept	Inventor Phone	Manager Name
> Toohey, James J.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Fitzpatrick, G.P. (Greg)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Lebowitz, David B.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

> denotes primary contact

Inventors without Lotus Notes IDs

IDT Selection

*Main Idea

1. Describe your invention, stating the problem solved (if appropriate), and indicating the advantages of using the invention.

When Party A (initiator) calls or sends a message to Party B (receiver), current practices and protocols call for Party A to think about what Party B might be doing and whether or not Party B is in a receptive state at the moment. Party B, on the other hand, generally is in either an "I'm receiving/answering" mode or in an "I'm not receiving/answering" mode. This leaves Party A guessing and Party B in a binary state, which

often leads to Party A taking the wrong action and/or Party B being misrepresented.

Presented, is a system that enables Party B to establish numerous conditional receptive states and also allows Party A to be informed of them, thereby giving Party A information about how to proceed. This technique applies for any type of electronic real-time contact, whether it is a phonecall, electronic message, online chat, or any other similar method. Further, when a single service provides multiple communication vehicles (e.g., voice, fax, on-line chat, and e-mail), this technique can be applied uniformly to the multiple vehicles, or, at Party B's discretion, different conditional receptive states can be established for each of the communication vehicles and be used in various combinations.

2. How does the invention solve the problem or achieve an advantage, (a description of "the invention", including figures inline as appropriate)?

Detailed Description:

Current practice and protocol for the sending and receiving of calls and messages allow for the intended receiver to be either available and receiving or unavailable and not receiving. In the latter case, there are a limited number of choices for disposition of the transmittal. For example, the initiator may recognize the receiver is not receiving and terminate the attempt, or the initiator may be directed to a mailbox. Some systems allow an alternate means of delivery such as via a page notification or a FAX. (Screening of calls, or being hidden in an online chat system, are just special cases in which the receiver is generally unavailable but decides to change states and become available based on certain information (e.g., the identity of the initiator)).

The limitations of today's systems are obvious. When the receiver is not available, the initiator has few choices. He can try later, but doesn't know how much later; he can leave the message in a mailbox, but won't know if or when it is received; he can try an alternate means of delivery, but again won't know if or when it is received. The receiver, on the other hand, also has few choices. Essentially, he can choose to answer the call or receive the message, direct the transmittal elsewhere, or simply not be available.

It would be far more efficient, productive, and satisfying if there were a way for the intended receiver to portray his status conditionally. For example, during the business day, the receiver might want to be available for business transmissions and emergencies from his spouse, but not for social calls or messages. At night, the same person might want to be available for social calls and messages but not for business transmissions. Usually, the receiver would like the system to make his status known to initiators. Further, it would be extremely useful for the initiator to know the conditional status of the intended receiver. With this information, he could decide if it was appropriate for the transmittal to proceed then and there, or if it should wait until a more appropriate time.

The system becomes even more useful when multiple communication vehicles are involved and conditional receptive states are established for them in varying combinations. Then, we could have, for example, conditions where the receiver is available for business fax transmittals during the entire business day but not at night, business calls only from 9:00AM to 12:00PM and from 2:00PM to 5:00PM, page notifications of any type all the time, social calls between the hours of 6:00PM and 11:00PM, etc. The receiver establishes the conditions; the system portrays them to the initiator; the initiator decides how to proceed.

Furthermore, the same principles can be applied to group messaging (e.g., three-way calls, chat rooms). They can even be applied when the parties are using different communications vehicles (e.g., one is on a phone; the other is on a computer with the computer or system using speech-to-text conversion).

The Method:

Presented is a method by which receivers can establish and make available their conditional status

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and by which initiators can obtain that status and act appropriately because of it. The system consists of these essential elements:

- the receiver's status which can be simple or complex and take into account all kinds of conditions
The receiver may want to accept voice calls from his boss but not electronic messages; he may want to not be disturbed during lunch nor at night, except for family emergencies; he may want to be available to his broker at all times; he may want these conditions adjusted when he travels to reflect the time zone where he is, etc. He may want different conditions to apply to different communication vehicles. And, he may want to do all this in varying combinations.
- the mechanism or tool by which the receiver establishes and maintains his status
There are numerous ways in which this can be done. Some examples include: using a set of rules written in a scripting language; running an intelligent agent; or, having the system interpret one's online calendar.
- the presentation of the receiver's status to the initiator of the call or message
This, too, can be selective and simple, or complex. For example, in a simple case, the receiver might be available for business calls from 8:00AM to 5:00PM Monday through Friday but not at other times. A caller would be presented with that information and decide if he should proceed then and there with the call. Or, the receiver might be available to a limited number of people trying to reach him in selected ways at certain times for specific reasons. In this more complex case, the system determines who the initiator is (via caller id or similar function) time of day, etc. and presents the appropriate status to the initiator. (An implementation option is for the system to not present all of the receiver's conditional status, only that part of it pertaining to this particular transmittal.)
- the mechanism by which the initiator tells the system that he has considered the receiver's status and wants to proceed.
There are many ways to implement this. One example would be, on a voice call, a system prompt asking for the response to be indicated via pushbuttons on the phone pad. Another example would be, on a messaging system, to do it programmatically via a Graphical User Interface (GUI) with icons to indicate the response.

With these elements, the initiator is enabled to initiate a transmittal and intelligently decide if now is a good time for the receiver to take it. The flow is straightforward using these steps which are enumerated on Figure 1:

1. The receiver uses the provided mechanism or tool to establish his status, which may include multiple conditional varying combinations of status applied to multiple communication vehicles.
2. The initiator initiates a transmittal.
3. The system portrays the receiver's status to the initiator. (Here, there are numerous implementation options of how much information is portrayed and in what format.)
4. The initiator makes a determination of how to proceed and does so.
5. If he quits, tries later, or tries an alternate means of delivery, this flow is completed.
6. If he decides to proceed, he employs the system provided mechanism to indicate he is doing so having been informed of the receiver's status.
7. With that, the system will complete the transmittal to the receiver.
8. Finally, the receiver receives the message.

If more than two parties are involved, the method can be repeatedly applied to include each participant one at a time. One party plays the role of the initiator and the other plays the role of the receiver. To add a third party, either of the first two can be the initiator in adding the third who would play the role of the receiver. It should also be observed that the third party could play the role of the initiator with either of the others, in the same way. Further repeat the process to add subsequent participants.

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It should be apparent now, that employing this method yields a more satisfactory and efficient communication mechanism than traditional methods.



Figure 1 is attached here --> NegotiatedMessage.PRZ

3. If the same advantage or problem has been identified by others (inside/outside IBM), how have those others solved it and does your solution differ and why is it better?

Others have attempted to solve the problem but they do it in specialized or restrictive ways. AOL, for example, with its Instant Messenger, or Microsoft with MSN's Messenger, allow a logged-in user to set any of several status's: online, away, busy, on the phone, etc. Anyone wishing to initiate contact with the target person may take this into account first. However, our solution is different and more widely applicable because:

- Our method applies to the multiple media types that one person might be using (computer, fax, phone) all at the same time when service is provided by one service provider.
- Our method works for more than two people connecting.
- It is a feature of our method that it applies to multiple media types, not just limited to computer (as AOL) or phone.
- The mechanism for establishing one's status can be a toolkit, intelligent agent, etc; not just a checklist.

4. If the invention is implemented in a product or prototype, include technical details, purpose, disclosure details to others and the date of that implementation.

It has not been implemented.

***Critical Questions (Questions 1-9 must be answered)**

* [REDACTED]

[REDACTED]

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(Form Revised 12/17/97)

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Flow Diagram for Negotiated Message Delivery and Conferencing

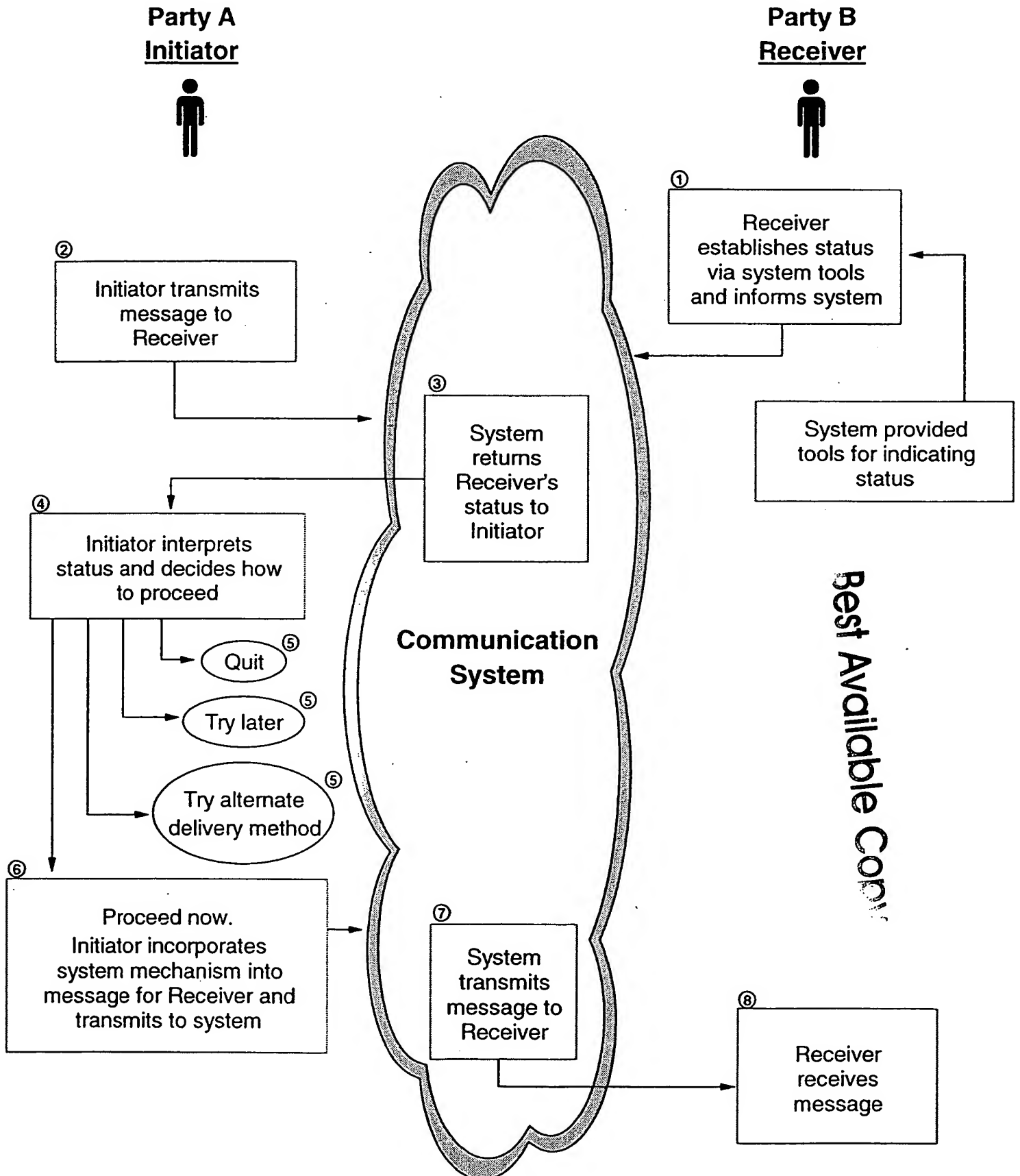


Figure 1



IP&L Disclosure Evaluation: BOC8-2001-0009

Prepared for and/or by an IBM Attorney - IBM Confidential

Created By: Jim Toohey Created On: 02/16/2001 10:28:04 PM

Last Modified By: Jim Toohey Last Modified On: 02/16/2001 10:33:00 PM

Required fields are marked with the asterisk (*) and must be filled in to complete the form .

Title of disclosure

Method and Apparatus for Negotiated Message Delivery and Conferencing

Response Due to IP&L: 03/16/2001

Evaluation Submitted : 02/16/2001

[REDACTED]

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

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[REDACTED]

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Flow Diagram for Negotiated Message Delivery and Conferencing

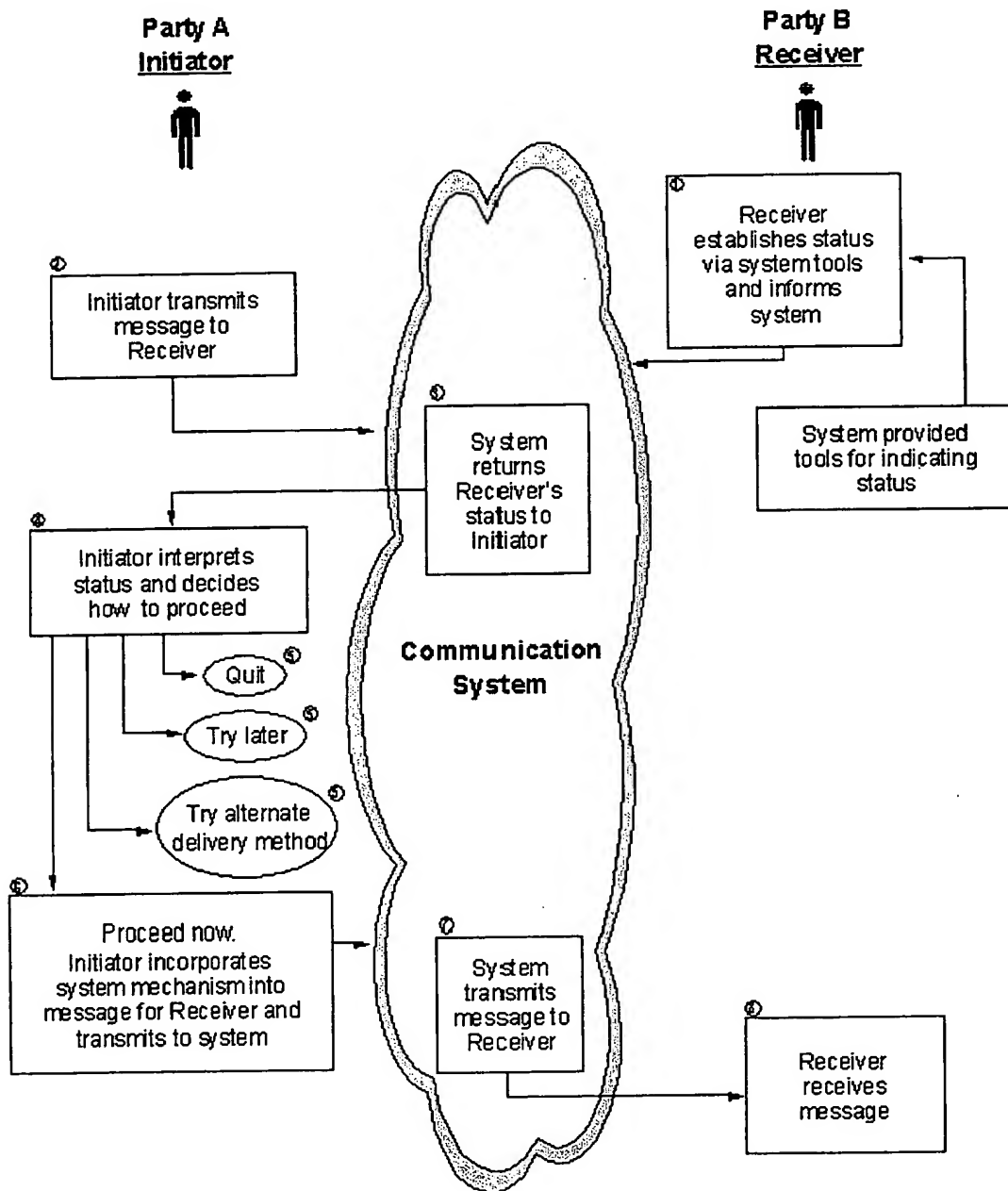


Figure 1

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